

EDUCATION

COMMISSIONER OF EDUCATION

Programs and Practices to Support Student Achievement

Proposed Readoption: N.J.A.C. 6A:13

Authorized By: David C. Hespe, Commissioner, Department of Education.

Authority: P.L. 2007, c. 260.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2016-176.

Submit written comments by January 6, 2017, to:

Diane Shoener, Director

State Board Office

New Jersey Department of Education

100 River View Plaza

PO Box 500

Trenton, New Jersey 08625-0500

E-mail: chapter13@doe.state.nj.us

The agency proposal follows:

Summary

The Department of Education (Department) proposes to readopt N.J.A.C. 6A:13, Programs and Practices to Support Student Achievement. In accordance with N.J.S.A. 52:14B-5.1.c, the chapter is scheduled to expire on November 25, 2016. As the Department submitted this notice of proposal to the Office of Administrative Law prior to that date, the expiration date is extended 180 days to May 24, 2017, pursuant to N.J.S.A. 52:14B-5.1.c(2).

The chapter was adopted as special new rules effective June 2, 2008, to implement the School Funding Reform Act, P.L. 2007, c. 260. The chapter was readopted effective November 25, 2009.

The rules proposed for readoption will continue programs and practices that support student achievement for all students and address the unique needs of at-risk students enrolled in high-poverty and high-need school districts.

The Department proposes to readopt the chapter without amendments at this time to continue the rules, and plans to propose amendments in the near future after a thorough review of how the Federal Every Student Succeeds Act (ESSA) will affect the chapter.

A summary of the rules proposed for readoption follows:

Subchapter 1. General Provisions

N.J.A.C. 6A:13-1.1 Purpose and applicability of rules

This section sets forth the chapter's purpose and applicability. The rules ensure all students are provided a rigorous curriculum to prepare them for success in post-secondary education and/or careers after graduation. The rules also address class size in high-poverty school districts and include programs and practices, including intensive language arts literacy and comprehensive mathematics instruction, to address the academic needs of students in high-need school districts.

Subchapter 2. Standards-based Instructional Priorities

N.J.A.C. 6A:13-2.1 Standards-based instruction

This section describes the elements of standards-based instruction, including requirements for developing and implementing a comprehensive curriculum that is content-rich and aligned to the most recent revision of the New Jersey Student Learning Standards (NJSLS). The

section also requires schools and school districts to develop and implement professional development plans for teachers and requires school leaders to develop and implement a professional growth plan; all plans are required to be aligned with the professional development standards at N.J.A.C. 6A:9C, Professional Development. This section also sets forth the requirements for schools and school districts to collect and analyze student achievement data by subgroups and to make educational decisions based on the data. The section includes requirements related to addressing the needs of special education students, English language learners, and gifted and talented students. This section also defines the library-media services school districts must provide.

N.J.A.C. 6A:13-2.2 Secondary education initiatives

This section sets forth the requirements for secondary school districts, defined as school districts that include students in at least two of the grades from six through 12. This section describes the initiatives school districts must provide, including personalized learning environments, academic coursework to prepare students for success in postsecondary education and/or careers after graduation, and the courses students must complete by the end of their high school education.

Subchapter 3. Programs and Services for Students in High Poverty and in High Need School Districts

N.J.A.C. 6A:13-3.1 Class size in high poverty districts

This section sets forth the definition of high-poverty school districts, requirements for class size in high-poverty school districts, and the exceptions to the class-size requirements.

N.J.A.C. 6A:13-3.2 Full day kindergarten requirements

This section sets forth the requirements for full-day kindergarten programs for at-risk students as defined in P.L. 2007, c. 260.

N.J.A.C. 6A:13-3.3 Definition of high-need school districts and implementation timeline

This section includes the definition of a high-need school district and the procedure for the Department's annual identification of high-need school districts. The section also requires high-need school districts to implement the designated language arts literacy and/or mathematics programs.

N.J.A.C. 6A:13-3.4 Language arts literacy

This section describes the elements of an intensive early literacy program according to the following grade configurations: preschool through grade three, grades four through eight, and grades nine through 12.

N.J.A.C. 6A:13-3.5 Mathematics

This section describes the elements of a comprehensive program for mathematics education according to the following grade configurations: three through four, five through eight, and nine through 12.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The rules proposed for readoption will have a significant impact in all school districts, including those with a high concentration of at-risk students. The rules proposed for readoption emphasize the importance of providing every student the opportunity to succeed by focusing on a comprehensive curriculum that is aligned with the NJSLs; is supported by a professional development program for teachers and school leaders; and relies on the use of State assessment to determine student achievement.

Economic Impact

The rules proposed for readoption will have a positive economic impact by ensuring school districts with high concentration of at-risk students implement programs and practices that address students' unique needs. The selected programs and practices are based on research and are designed to ensure every child is prepared for success in a technologically driven and globally competitive world and to succeed in college-level courses without remediation.

Federal Standards Statement

The rules proposed for readoption do not exceed requirements of the Every Student Succeeds Act or other Federal requirements or standards. Therefore, no Federal standards analysis is required.

Jobs Impact

It is not anticipated the rules proposed for readoption will result in the generation or loss of jobs.

Agriculture Industry Impact

The rules proposed for readoption will have no impact on the agriculture industry.

Regulatory Flexibility Statement

The rules proposed for readoption do not impose reporting, recordkeeping, or other compliance requirements on small businesses as defined by N.J.S.A. 52:14B-16 et seq., the Regulatory Flexibility Act. The rules impact New Jersey public schools.

Housing Affordability Impact Analysis

The rules proposed for readoption will have an insignificant impact on the affordability of housing in New Jersey. There is an extreme unlikelihood the rules proposed for readoption would evoke a change in the average costs associated with housing in the State, as the rules set

forth programs and practices that support student achievement for all students and address the unique needs of at-risk students in high-poverty and high-need school districts.

Smart Growth Development Impact Analysis

The rules proposed for readoption will have an insignificant impact on smart growth. There is an extreme unlikelihood the rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan because the rules proposed for readoption set forth programs and practices that support student achievement for all students and address the unique needs of at-risk students in high-poverty and high-need school districts.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 6A:13.